IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO.1492 OF 2006

Highland Holiday Homes Pvt.Ltd. & Ors. : Petitioners

V/s.

The State of Maharashtra & Anr. : Respondents

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Mr.A.P.Mundargi with Mr.Prakash Naik for the petitioners.

Mr.D.S.Mhaispurkar, Addl. Public Prosecutor for the State.

Mr.Kocharekar for respondent No.2.

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CORAM : D.G.DESHPANDE & S.A.BOBDE,JJ.

DATE : JULY 14, 2006.

P.C.

1. The petitioners are accused in a case registered against them at the instance of respondent No.2 under section 420 of the Indian Penal Code in respect of an amount of Rs.32,000/-. The accused-petitioners are present and so also respondent No.2 complainant. The complainant has given a letter to the Manager of petitioner No.1 to the effect that he has received Rs.32,000/- as final payment towards refund of his membership. The complainant-respondent No.2 has also stated that now he has no claim or complaint against the accused in respect of the complaint which was filed in Wagle Estate police Station. He has also stated that

since he has received the amount, he has no grievance and he desires to compound the offence with the accused.

2. An offence under section 420 of the Indian Penal Code is compoundable with the permission of the Court. Both the parties are present. The complainant has no grievance against the accused. Mr.Mundargi, learned counsel appearing for the petitioners, has relied upon certain unreported decisions of this Court in Criminal Application No.2009 of 2005 (Subhash Dinkar Deshpande v. The State of Maharashtra & Anr.) decided on 26.7.2005 and in Criminal Application No.5585 of 2005 (Porus Yezdi Mistry v. Namrata Bharatkumar Dingra & Anr.) decided on 1.9.2005 wherein this Court quashed the FIRs after the offences were compounded.

3. In view of the above, C.R. No.I-213 of 2006 of Wagle Estate Police Station under section 420 read with 34 of the Indian Penal Code is compounded as between the parties. Therefore, the complaint is quashed by consent of the complainant-respondent No.2.

4. Accordingly, the Criminal Writ Petition stands disposed of.

D.G. DESHPANDE, J.

S.A. BOBDE, J.